

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 12, 1999

DIVISION TWO

B124238 People (Not for Publication)
v.
Fountano

The judgment is affirmed.

Boren, P.J.

We concur: Zebrowski, J.
Mallano, J. (Assigned)

B121168 People (Not for Publication)
v.
Hardy

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

B127719 People (Not for Publication)
v.
Morris

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION FOUR

B115201 Record (Certified for Publication)
v.
Reason

The judgment is affirmed.

Curry, J.

I concur: Hastings, Acting P.J.
I dissent: Vogel (C.S.), P.J. (Opinion)

B126506 American Continental Insurance Company (Certified for Publication)
v.
American Casualty Company of Reading, PA

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B117633 Curtis, an individual, et al. (Certified for Publication)
v.
Kellogg & Andelson et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B112036 Brownnell, Minors, etc. (Not for Publication)
 v.
 City of San Gabriel et al.

The order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B118119 Gordon (Not for Publication)
 v.
 Nelson & Nelson et al.

The matter is remanded to the trial court to enter a new judgment omitting the award of punitive damages and attorney's fees, for recomputation of the compensatory award by deleting the additional compensation for the period before March 1, 1994, and for recomputation of the prejudgment interest. In all other respects, the judgment is affirmed. Each party to bear its own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B117338 Adelberg et al. (Not for Publication)
 v.
 Franchise Tax Board of the State of California

The order is reversed. Appellant to bear its own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FOUR (Continued)

B123211 Labow, as Conservator, etc. (Not for Publication)
 v.
 Richard et al.

The orders approving the verified first accounts current and reports and the petitions for fees and commissions are affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B131546 Alena D. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION FIVE

B124303 People (Not for Publication)
 v.
 Oran Hutson

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B128519 People (Not for Publication)
v.
Derrick Young

The judgment is modified to impose a suspended \$2,000 restitution fine pursuant to Penal Code section 1202.45. The restitution fine imposed pursuant to section 1202.45 shall remain suspended unless and until defendant's violates the terms of his parole. The judgment is further modified to reflect 288 days of actual presentence custody plus 144 days of conduct credit for a total of 432 days of presentence custody credit. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B124303 People (Not for Publication)
v.
Oran Hutson

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B124856 People (Not for Publication)
v.
Charles McQuarn

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

July 12, 1999-Continued

DIVISION FIVE (Continued)

B121955 People (Not for Publication)
v.
Juan Esquivel

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B126638 The People (Not for Publication)
v.
Joseff Lebeau

The judgment is affirmed. The clerk of the superior court is directed to correct the abstract of judgment to reflect the \$700 restitution fine pursuant to Penal Code section 1202.4, subdivision (b) and to forward the corrected abstract of judgment to the Department of Corrections.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B125937 Stanley S. Lynch (Not for Publication)
v.
City of Burbank et al.

The judgment is affirmed. Lynch is to pay defendants' costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

July 12, 1999-Continued

DIVISION FIVE (Continued)

B124329 People (Not for Publication)
v.
Diego Alvarez

The appeal is dismissed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B122979 People (Not for Publication)
v.
Sung Woo

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B121762 People (Not for Publication)
v.
Duane Cotton

The clerk of the superior court is directed to amend the abstract of judgment to reflect a \$1,000 restitution fine under section 1202.4 and a \$1,000 parole revocation fine under section 1202.45. As modified, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B125529 People (Not for Publication)
v.
Samont Winn et al.

We direct the clerk of the superior court to modify each defendants' abstract of judgment to: delete the three-year enhancement imposed for the section 186.22, subdivision (b) (1) allegations; impose the 15-year minimum parole date required by section 186.22, subdivision (b)(1), to become effective only in the event that sentences on counts 1 and 2 are modified in the future to otherwise provide for parole at less than 15 years; and forward the corrected abstracts of judgment of judgment to the Department of Corrections. In all other respects, the judgments are affirmed.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

B118933 Pasadena Cemetery Association (Not for Publication)
v.
Donald L. Parker

The judgment is affirmed. Respondent to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B124140 People
v.
Matthew Huk

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B122795 Nova Transportation Services, Inc. et al. (Not for Publication)
 v.
 Imperial CFS, Inc. et al.
 Sterling Express, Inc. et al.

The orders striking and dismissing the cross-complaints are affirmed. The discovery referee's recommendations and findings and the trial judge's approval thereof are affirmed. The judgment is otherwise reversed and, upon issuance of the remittitur, the trial court may proceed as discussed in the body of this opinion. Plaintiffs and cross-defendants, Nova Transportation Services, Inc. and H. Rauvel, Inc., shall recover their costs on appeal, jointly and severally, from defendants and cross-complainants, Imperial CFS, Inc., and Dynasty Container Freight Station, Inc. and defendants Dynasty Transportation, Inc., L.A. Fortune, Inc., R & J Chemical, Inc. Sterling Express, Inc., Cathy Hsu, Tong Hsu, and Joey Chen.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

DIVISION SEVEN

B123373 Beijing Broker Trading Company, et al. (Not for Publication)
 v.
 Bank of America, NT & SA

The court is ordered to modify the judgment against the Bank as being for \$81,180. As modified, the judgment is affirmed. Each side to bear its own costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

July 12, 1999-Continued

DIVISION SEVEN (Continued)

B101128 Ken Clifford, individually (Not for Publication)
and dba Shawnee-Pacific
v.
Turning Point Construction, Inc.

The judgment is affirmed. Respondent shall recover his costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B127727 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Lisa S.

The order is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B123665 Howard B. Wolf (Not for Publication)
v.
Martha Robi

The order is reversed, and the matter is remanded with directions. The court is ordered to vacate its order sustaining the demurrer without leave to amend and dismissing the case and to enter an order overruling the demurrer. Costs awarded to appellant.

Hay, J. (Assigned)

We concur: Johnson, Acting P.J.
Neal, J.

DIVISION SEVEN (Continued)

B125461 People (Not for Publication)
v.
Robert Wayne Johnson

The judgment is affirmed. The clerk of the superior court shall prepare an amended abstract of judgment stating the imposition of the Penal Code section 1202.4 restitution fine and forward it to the California Department of Corrections.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.